

**AMENDMENT UNDER 37 C.F.R. § 1.116  
EXPEDITED PROCEDURE  
GROUP 2841  
PATENT APPLICATION  
Q-79418**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Shinji SUZUKI

Appln. No.: 10/767,209

Group Art Unit: 2841

Confirmation No.: 5728

Examiner: Hung S. BUI

Filed: January 30, 2004

For: RECORDING MEDIA PROTECTING MECHANISM

**REQUEST FOR RECONSIDERATION UNDER 37 C.F.R. § 1.116  
and  
REQUEST FOR INTERVIEW**

**MAIL STOP AF**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant respectfully **traverses** the rejection of claim 1 under 35 U.S.C. § 102(b) as being anticipated by Owashi '140 (newly cited).

For a valid rejection of claim 1 under 35 U.S.C. § 102(b), Owashi must completely disclose the "invention" defined by claim 1. More specifically, for such a valid rejection Owashi '140 must disclose, either expressly or inherently, each limitation of claim 1, or in other words, claim 1 must be readable on Owashi's disclosure. Applicant respectfully submits that clearly such is **not** the case here.

Claim 1 is limited to "a turn-on and turn-off operating section...[for] locking and unlocking open and close of a cover of a recording media holding section in accordance with turn-on and turn-off of the power switch".

There is no element in Owashi which operates "in accordance with turn-on and turn-off of [a] power switch", because, and notwithstanding the Examiner's assertion to the contrary, element 31 in Owashi is a lens cover (for a lens 25, see Figs. 1-3 and column 4, lines 52-63). When lens cover 31 slides to the left in Fig. 3 to uncover the lens 25, the cartridge chamber lid 37 is blocked from opening. When the lens cover 31 is moved to the right to cover the lens 25 (see Figs. 1 and 2), the lid 37 is unlocked so that it can be opened to permit insertion and removal of a film cartridge 33.

Thus, there is **no "power switch"** disclosed, either expressly or inherently, in Owashi, and there is no lens cover recited in Applicant's claim 1; that is, the disclosure of Owashi is **completely different** from the "invention" defined in Applicant's claim 1.

Therefore, since claim 1 is not readable on Owashi, Applicant respectfully submits that Owashi is **incapable of anticipating** claim 1, whereby Applicant respectfully requests the Examiner to reconsider and withdraw the rejection under 35 U.S.C. § 102(b).

Applicant also respectfully **traverses** the rejection of claims 2 and 3 under 35 U.S.C. § 103(a) as being unpatentable (obvious) over Owashi in view of Okuda '108.

For the reasons discussed just above, Applicant must respectfully **disagree** with the Examiner's statement, "Owashi discloses the instant claimed invention except for the camera being a digital". Thus, since the Owashi/Okuda combination does **not** explicitly or inherently

disclose, or even suggest, **all of the limitations** of claim 2 (2/1), Applicant respectfully submits that the Owashi/Okuda combination is **incapable of rendering obvious** the subject matter of claim 2.

Furthermore, even if, as proposed by the Examiner, a person were to use the turn-on and turn-off operating section of Owashi with Okuda's digital camera, there would not be produced the subject matter of claim 2 (2/1) or subject matter which would render claim 2 obvious.

Applicant must also respectfully **disagree** with the Examiner's statement, "Owashi discloses the instant claimed invention except for the turn-on and turn-off operating section having a grip" (claim 3).

For the reasons explained above in connection with the traverse of the rejections of claims 1 and 2, it is clear that the Owashi/Okuda combination does **not** teach or even suggest **all of the limitations** of dependent claim 3 (3/2/1), whereby Applicant respectfully submits that Owashi/Okuda is **incapable of rendering obvious** the subject matter of claim 3 (3/2/1). Furthermore, even if, as proposed by the Examiner, a person were to add Okuda's grip to the turn-on and turn-off operating section of Owashi, there would not be produced the subject matter of dependent claim 3 (3/2/1) or subject matter which would render claim 3 obvious.

Therefore, Applicant also respectfully requests the Examiner to reconsider and withdraw the rejection of claims 2 and 3 under 35 U.S.C. §103(a).

In summary, then, and for the reasons explained above, Applicant respectfully requests the Examiner to reconsider and withdraw the two statutory rejections, and to allow claims 1-3, **together** with dependent claims 4 (4/1) and 5 (5/1) which are directed to the provisionally non-

elected species, and which should now also be allowable for the same reason that their parent, generic claim 1 is allowable.

Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this application, and any required fee for such extension is to be charged to Deposit Account No. 19-4880. The Commissioner is also authorized to charge any additional fees under 37 C.F.R. § 1.16 and/or § 1.17 necessary to keep this application pending in the Patent and Trademark Office or credit any overpayment to said Deposit Account No. 19-4880.

Respectfully submitted,

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